
IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL GURULE,

Defendant.

**MEMORANDUM DECISION
AND ORDER**

Case No. 2:13CR415DAK

Judge Dale A. Kimball

Before the court is Defendant Michael Gurule's Motion Asking Court to Dismiss Detainer By Default. Defendant states that he filed a motion and received no response from the court. However, the court responded to Defendant's initial letter three days after he initially requested that the detainer be removed. On December 9, 2013, the court responded to Defendant's letter in a letter that stated as follows:

Judge Kimball has asked me to respond to the letter he received from you today requesting that he release the federal detainer put in place as a result of the above-named case. It is the United States Marshal for the District of Utah that placed the detainer. Therefore, I contacted the Marshal's office regarding the issue. According to the Marshal's office, the detainer needs to stay in place until you have served the twenty-four months you were sentenced to serve. Although your sentence is concurrent with your Washington sentence, the federal detainer will not be released until the twenty-four months have passed. The Marshal's office also stated that the fact that you have a federal detainer should not impact your place of confinement. However, your place of confinement may be impacted if your facility is not aware that your federal case has concluded. You should notify your facility that

you have been sentenced in the federal action and you are no longer in a pre-trial or pre-sentence status. I have enclosed a copy of your Judgment in a Criminal Case so you can demonstrate to your facility that you have been sentenced.

The letter was not returned to the court as undelivered. Thus the court must assume Defendant received the letter. Accordingly, the court fully explained the issue to Defendant previously and, as previously explained, there is no basis for removal of the detainer until Defendant has served his full sentence. As was also previously explained, Defendant should notify his facility that he was sentenced in his federal case on September 18, 2013, and his federal Judgment was entered September 23, 2013. Defendant's present motion to dismiss is DENIED.

DATED this 21st day of April, 2014.

A handwritten signature in black ink, reading "Dale A. Kimball". The signature is written in a cursive, flowing style. The first name "Dale" is written with a large, prominent "D". The last name "Kimball" is written with a large, prominent "K". The signature is positioned above a horizontal line.

DALE A. KIMBALL
United States District Judge